

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MARY TORRES, as Personal  
Representative to the Estate of  
VINCENT ANTHONY TORRES,  
deceased,

Plaintiff,

v.

Civ. 18-358

BOARD OF COMMISSIONERS FOR  
BERNALILLO COUNTY, CORRECTIONAL  
HEALTHCARE COMPANY, INC., TIMOTHY  
MCMURRAY, M.D., individually and as an employee  
and/or agent of CORRECTIONAL HEALTHCARE  
COMPANY AND BERNALILLO COUNTY, ADRIANA LUNA,  
individually and as an employee and/or agent of CORRECTIONAL  
HEALTHCARE COMPANY AND BERNALILLO COUNTY,  
and OTHER UNIDENTIFIED EMPLOYEES OF BERNALILLO  
COUNTY AND/OR CORRECTIONAL HEALTHCARE COMPANY, INC.,

Defendants.

**DEFENDANT’S NOTICE OF REMOVAL**

Defendant Board of Commissioners for Bernalillo County (hereafter “County Defendant”) by and through their counsel, Law Office of Jonlyn M. Martinez, LLC (Jonlyn M. Martinez, Esq.) respectfully files its Notice of Removal in the above entitled action, and as grounds therefore state:

1. Upon information and belief, County Defendant was served with the Plaintiff’s Complaint on April 4, 2018. On April 12, 2018, the Plaintiff filed a First Amended Complaint for the Recovery of Damages Caused By The Deprivation of Civil Rights, Wrongful Death, and Medical Negligence.
2. The Plaintiff’s original Complaint and her First Amended Complaint indicate that the basis for the Plaintiff’s Complaint are for alleged violations of Mr. Torres’ Constitutional and

Civil Rights. *See generally Plaintiff's First Amended Complaint for the Recovery of Damages Caused By The Deprivation of Civil Rights, Wrongful Death, and Medical Negligence*, attached hereto as Exhibit A;

3. Among other things, the Plaintiff's Complaint alleges that the Defendant's purported actions violated the Plaintiff's civil rights Constitutional rights and federal law. *Id.*;

4. Consequently, the Plaintiff's Complaint sets forth a claim or right arising under the Constitution and laws of the United States and/or a separate and independent claim or cause of action within the jurisdiction conferred on this Court by 28 U.S.C. § 1331. Therefore, this Court has original jurisdiction over this action pursuant to the jurisdiction conferred on this Court by 28 U.S.C. § 1331 and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. §§ 1441(a), (b) and/or (c).;

5. No action has been taken by the County Defendant in the State Court Action. Moreover, no action has been taken by any of the other Defendants following the filing of the Plaintiff's Complaint;

6. A true and correct copy of the Plaintiff's Complaint is attached hereto as Exhibit "A." Pursuant to 28 U.S.C. § 1446 and D.N.M.LR-Civ. 81.1(a), a legible copy of all other pleadings, process, orders, records and proceedings from the State Court Action are attached hereto as Exhibit B.<sup>1</sup>

WHEREFORE, the County Defendant respectfully files this Notice of Removal to remove the above entitled action from the Second Judicial District for the State of New Mexico to this Court.

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<sup>1</sup> It is unclear whether all pleadings filed in State District Court as of today's date are available due to the lag time from the date of filing to the date these documents are available on the electronic docket.

Respectfully submitted:

LAW OFFICES OF JONLYN M. MARTINEZ, LLC

/s/ Jonlyn M. Martinez  
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I hereby certify that a copy of the  
foregoing was sent electronically  
via CM/ECF on April 17, 2018 to  
all counsel of record:

/s/